

155TH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 2016V-0153

KEITH SKOW
vs.
TAG TRUCK ENTERPRISES, LLC, SDR TRUCKING,
LLC, AND COLVIN C. FIELDS

Location: 155th Judicial District Court
Judicial Officer: Steinhauer, Jeff R.
Filed on: 11/10/2016

CASE INFORMATION

Case Type: Injury/Damage: Motor Vehicle

Case Flags: JURY FEE PAID

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number	2016V-0153
Court	155th Judicial District Court
Date Assigned	11/10/2016
Judicial Officer	Steinhauer, Jeff R.

PARTY INFORMATION

Plaintiff	SKOW, KEITH	<i>Lead Attorneys</i> BUZBEE, ANTHONY G. <i>Retained</i> 713-223-5393(W)
Defendant	FIELDS, COLVIN C. SDR TRUCKING, LLC TAG TRUCK ENTERPRISES, LLC	

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

11/10/2016	<input checked="" type="checkbox"/> ORIGINAL PETITION (OCA) <i>PLAINTIFF'S ORIGINAL PETITION</i>	
11/10/2016	CITATION Party: Defendant TAG TRUCK ENTERPRISES, LLC	
11/10/2016	CITATION BY PERSONAL SERVICE TAG TRUCK ENTERPRISES, LLC Unserved	
11/10/2016	CITATION Party: Defendant SDR TRUCKING, LLC	
11/10/2016	CITATION BY PERSONAL SERVICE SDR TRUCKING, LLC Unserved	
11/10/2016	CITATION Party: Defendant FIELDS, COLVIN C.	
11/10/2016	CITATION BY PERSONAL SERVICE FIELDS, COLVIN C. Unserved	

DATE**FINANCIAL INFORMATION**

Plaintiff	SKOW, KEITH
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155TH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 2016V-0153

Total Charges	334.00
Total Payments and Credits	334.00
Balance Due as of 11/21/2016	0.00

Submitted: 11/10/2016 9:56:53 AM
Sue Murphy, District Clerk
Austin County, Texas
By: Sue Murphy, Deputy

CAUSE NO. 2016V-0153

KEITH SKOW

IN THE DISTRICT COURT OF

v.

AUSTIN COUNTY, TEXAS

TAG TRUCK ENTERPRISES LLC,
SDR TRUCKING LLC, AND
COLVIN C. FIELDS

155TH JUDICIAL DISTRICT

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL PETITION

NOW COMES Plaintiff Keith Skow ("Plaintiff"), complaining of Defendants Tag Truck Enterprises LLC (referred to herein as "Tag Truck Enterprises"), SDR Trucking LLC ("SDR Trucking") and Colvin C. Fields ("Fields"), and for cause of action would respectfully show this Honorable Court the following:

I. FACTUAL BACKGROUND

Plaintiff Keith Skow is the father of Megan Nicole Skow. On or about October 17, 2016, Ms. Skow was driving eastbound on Hwy FM 3013 in Austin County, Texas. At the same time, Defendant Fields was traveling westbound on Hwy FM 3013, operating a tractor-trailer which was owned by Defendants Tag Truck Enterprises and SDR Trucking.

While traveling on the roadway, Defendant Fields suddenly attempted to turn the vehicle around by backing up the vehicle on the roadway at an angle. In doing so, Defendants' vehicle blocked the entire roadway. This caused Ms. Skow's vehicle to collide with Defendants' vehicle. Defendant Fields was charged with criminally negligence homicide.

Following the incident, Ms. Skow was transported by life flight to Memorial Hermann. Ms. Skow ultimately passed away from her injuries. Plaintiff Keith Skow lost his daughter due to Defendants' negligence, and now brings this suit to recover for damages.

II. DISCOVERY PLAN

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.

III. PARTIES

Plaintiff Keith Skow is an individual who resides in Texas.

Defendant Tag Truck Enterprises LLC is a limited liability company doing business in Texas. Defendant may be served with process via certified mail to the Texas Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079, to be forwarded to Defendant at its headquarters at 1650 East Brooks Road, Memphis, TN 38116.

Defendant SDR Trucking LLC is a limited liability company doing business in Texas. Defendant may be served with process via certified mail to the Texas Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079, to be forwarded to Defendant at its headquarters at 5564 Universal Dr., Memphis, TN 38118

Defendant Colvin C. Fields is an individual who does business in Texas. Defendant Fields may be served at 5011 Davis CV, Memphis, TN 38116, or wherever he may be found.

IV. VENUE AND JURISDICTION

Venue and jurisdiction are proper. The relief requested is within the jurisdictional limits of this Court. Defendants conduct business in the state of Texas, and this is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

V. CAUSES OF ACTION

A. NEGLIGENCE (ALL DEFENDANTS)

Plaintiff re-alleges each above allegation as if fully set forth below. At the time of the accident, Defendant Colvin C. Fields was operating the vehicle negligently. Defendant Fields had a duty to exercise ordinary care and ensure the vehicle was operated in a reasonable and prudent manner. That duty was breached, and such negligence was a proximate cause of Plaintiff's injuries.

Defendants Tag Truck Enterprises and SDR Trucking also had a duty to exercise ordinary care and ensure the safe operation of the vehicle. That duty was breached, and such negligence was a proximate cause of Plaintiff's injuries.

Defendants' breach occurred in one or more of the following ways, among others. The breach occurred in one or more of the following ways, among others:

1. Failing to properly screen, hire, and train drivers;
2. Failing to observe and follow traffic laws, and to ensure employees or contractors observed and followed those laws, including those for maintaining a proper lookout, safely turning, and keeping the vehicle under proper control;
3. Negligently entrusting the vehicle and load;
4. Failing to properly supervise and control drivers;
5. Failing to create or enforce safety rules regarding the operation of company vehicles; and
6. Violating various statutes and regulations, including the Texas Transportation Code.

Each of these acts and omissions, singularly or in combination with others, constitute negligence, which was the proximate cause of this incident and the injuries sustained.

B. RESPONDEAT SUPERIOR, AGENCY (ALL DEFENDANTS)

Plaintiff re-alleges each above allegation as if fully set forth below. Defendants' driver was an agent and/or servant of Defendants. Defendants' driver was conducting work for Defendants. As such, Defendants are responsible for the conduct of Defendant Fields due to the relationship that existed, among other acts and omissions of negligence which may be shown during the trial of this cause.

C. NEGLIGENCE PER SE (ALL DEFENDANTS)

Plaintiff re-alleges each above allegation as if fully set forth below. The wrongful conduct was negligence *per se* because of a breach of duty imposed by statute. This breach caused the incident and Ms. Skow's death. Specifically, there was a breach of duties imposed by statutes and state law, including, but not limited to, the following:

1. TEX. TRANSP. CODE ANN. § 545.103: Requires an operator not to turn the vehicle from a direct course or move right or left on a roadway unless movement can be made safely; and
2. TEX. TRANSP. CODE ANN. § 545.401: Sets forth a duty not to drive a vehicle in a willful or wanton disregard for the safety of persons and property.

The statutes are ones for which tort liability may be imposed. The breach of the statutory duties proximately caused Ms. Skow's death, and damages claimed by Plaintiff.

D. NEGLIGENT ENTRUSTMENT (DEFENDANTS TAG TRUCK ENTERPRISES AND SDR TRUCKING)

Plaintiff re-alleges each above allegation as if fully set forth below. Defendants Tag Truck Enterprises and SDR Trucking negligently entrusted the vehicle to Defendant Fields. Defendants knew or had reason to know that the driver should not have been operating the vehicle. Defendants' negligence was a proximate cause of the incident, and the resulting injuries.

E. RES IPSA LOQUITOR (ALL DEFENDANTS)

Plaintiff re-alleges each above allegation as if fully set forth below. Defendants' negligence implicates the doctrine of res ipsa loquitur because the character of the event made the basis of this lawsuit is such that it would not have occurred without negligence.

F. GROSS NEGLIGENCE (ALL DEFENDANTS)

Plaintiff re-alleges each above allegation as if fully set forth below. Plaintiff will further show that the acts and/or omissions of Defendants, as described above, when viewed objectively from the Defendants' standpoint, involve an extreme degree of risk considering the probability and magnitude of the potential harm to others. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of the others, including Plaintiff. Further, Defendants Tag Truck Enterprises and SDR Trucking knew or should have known of the risk posed by Defendant Fields, and failed to prevent his actions.

As such, Defendants' actions and omissions constitute gross negligence and malice as those terms are understood by law.

VI. DAMAGES

Plaintiff seeks all damages available in a wrongful death action, and any further damages to which he may be entitled. Plaintiff seeks damages for mental anguish; pain and suffering; loss of earning capacity; loss of companionship, comfort and society; and loss of care, maintenance, services, advice and counsel. Because of the egregious nature of Defendants' actions, Plaintiff seeks punitive damages.

VII. REQUEST FOR DISCLOSURE

Pursuant to Tex. R. Civ. P. 194, Plaintiff requests that each Defendant disclose within fifty (50) days of service of this Request for Disclosure, the information and/or material described in Rule 194.2.

VIII. REQUEST FOR JURY TRIAL

Plaintiff respectfully demands a jury trial and tenders the appropriate fee.

IX. PRAYER

Plaintiff is entitled to, and prays to recover from Defendants damages set forth in this petition, within the jurisdictional limits of this Court. Plaintiff seeks damages over \$1,000,000. Plaintiff also seeks post judgment interest at the maximum legal rate, costs of court, and any other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee
Anthony G. Buzbee
State Bar No. 24001820
Andrew Dao
State Bar No. 24082895
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www.txattorneys.com

ATTORNEYS FOR PLAINTIFF

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

COLVIN C. FIELDS
5011 DAVIS CV
MEMPHIS TN 38116
OR WHEREVER HE MAY BE FOUND

GREETING:

YOU ARE HEREBY COMMANDED TO APPEAR BY FILING A WRITTEN ANSWER TO THE PLAINTIFF'S ORIGINAL PETITION AT OR BEFORE 10:00 A.M. OF THE MONDAY NEXT AFTER THE EXPIRATION OF TWENTY DAYS AFTER THE DATE OF SERVICE OF THIS CITATION BEFORE THE HONORABLE DISTRICT COURT OF AUSTIN COUNTY, TEXAS AT THE COURTHOUSE OF SAID COUNTY ON THE SECOND FLOOR ON BELLVILLE, TEXAS. SAID PLAINTIFF'S ORIGINAL PETITION WAS FILED ON THE DOCKET OF SAID COURT NOVEMBER 10, 2016 WITH THE FOLLOWING PARTIES AND NUMBERED:

NO. 2016V-0153

KEITH SKOW
VS.
TAG TRUCK ENTERPRISES, LLC,
SDR TRUCKING, LLC, AND
COLVIN C. FIELDS

IN THE DISTRICT COURT
AUSTIN COUNTY, TEXAS
155TH JUDICIAL DISTRICT

THE NAME AND ADDRESS OF ATTORNEY REPRESENTING THE PETITIONER IS:

ANTHONY G. BUZBEE
ATTORNEY AT LAW
JPMORGAN CHASE TOWER
600 TRAVIS ST, STE 7300
HOUSTON TX 77002
713-223-5393

THE NATURE OF PETITIONER'S DEMAND IS FULLY SHOWN BY A TRUE AND CORRECT COPY OF PLAINTIFF'S ORIGINAL PETITION ACCOMPANYING THIS CITATION AND MADE A PART HEREOF.

THE OFFICER EXECUTING THIS WRIT SHALL PROMPTLY SERVE THE SAME ACCORDING TO REQUIREMENT OF LAW, AND THE MANDATES THEREOF, AND MAKE DUE RETURN AS THE LAW DIRECTS.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT BELLVILLE, TEXAS ON NOVEMBER 10, 2016.

ATTEST: 
SUE MURPHY, DISTRICT CLERK
(SEAL)
BY: _____
DEPUTY

ONE EAST MAIN, BELLVILLE,
AUSTIN COUNTY, TEXAS 77418